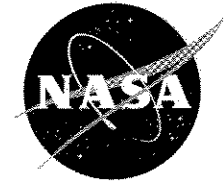


National Aeronautics and
Space Administration

Lyndon B. Johnson Space Center
2101 NASA Parkway
Houston, Texas 77058-3696



August 20, 2010

Reply to Attn of **AL-10-057**

TO: Distribution

FROM: AL/Deputy Chief Counsel

SUBJECT: Widely Attended Gathering Determination Regarding Attendance at the 2010
City of Houston Birthday Celebration

On August 26, 2010, the City of Houston is hosting a reception and dinner to celebrate the City's 174th birthday. This black-tie reception and dinner are being held at the George R. Brown Convention Center. The event will begin with a reception starting at 6:00 p.m. and dinner starting at 7:00 p.m.

During the event, Houston Mayor Annise Parker is honoring the people of the National Aeronautics and Space Administration (NASA) with the "Spirit of Houston" Award. Additionally, the City will induct several notable individuals into the Houston Hall of Fame, including Bob and Janice McNair, former Mayor of Houston Kathryn Whitmire, and former Houston Astro's player and coach, Jose Cruz. Mayor Parker has invited several NASA senior leaders to attend the event in order to accept the Spirit of Houston award on behalf of the people of NASA. The City has also invited several Johnson Space Center (JSC) employees to attend in an effort to secure representation by the various skills within the JSC workforce.

Approximately 500 guests are expected to attend this event including political leaders, members of academia, individual donors, representatives of corporate and foundation donors, and their guests. Attendance at this recognition and fundraising event is by invitation or corporate sponsorship only. Individuals, corporations, or foundations donate \$500 per seat to sponsor tables at the event. As the organizer of the event, the City of Houston Parks Board has reserved tables for award recipients including NASA leaders and JSC employees invited to attend. The table and individual seats provided for NASA guests have not been paid for by any individual, corporate or foundation donors. The proceeds from this event are designated for Tranquility Park, which was originally designed to honor the men and women of NASA for their historic work in space industry. The park's design features depict many aspects of NASA through famous quotes and fountains. NASA JSC plans to leverage the opportunity to disseminate information about NASA's mission at this event by providing outreach exhibits to be displayed at the celebration.

I find that this event meets the requirements of a "widely attended gathering" as defined in 5 C.F.R. §2635.204(g). This event is of direct interest to NASA and will serve as a forum for facilitating the widest practicable dissemination of information concerning the Agency and its activities. The event will provide NASA personnel in attendance with the opportunity to exchange views and information with Houston-area leaders. It is my determination that it is in the Agency's interest for NASA invitees to attend the reception and dinner. Their attendance outweighs any concern that the acceptance of any benefits may, or may appear to improperly influence any NASA employee in the performance of official duties. Accordingly, NASA invitees whose duties do not substantially affect the City of Houston are authorized to attend and to accept any food and refreshments offered in conjunction with this event for themselves and their invited spouses or guests.

NASA invitees are cautioned that under 5 C.F.R. §2635.808, they may not participate in fundraising in their official capacity. They may not allow the use of their NASA title, position, or any authority associated with their public office to further the City's fundraising efforts.

Accordingly, NASA employees, including NASA employees in non-career positions who are required to sign the ethics pledge under Executive Order 13490, who have been invited to attend may accept free attendance at the event. They may also accept invitations for accompanying spouses or guests. However, NASA employees whose duties may substantially affect the event sponsors, such as by way of procurement duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.204(g)(3)(i), regarding participation in this event from their local ethics counselor.



Donna M. Shafer

cc:

AA/M. Coats

AA/D. Norman

AD/E. Conners

AD/J. Bolden

EG5/C. Westhelle

EV/C. Sham

SF/M. Perchonok

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